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1000 U.S. PTO  
09/769420

STEIN, KESSLER, GOLDSTEIN & FISHER, P.L.L.C.

ATTORNEYS AT LAW

1100 NEW YORK AVENUE, N.W. • WASHINGTON, D.C. 20005-3934

PHONE: (202) 371-2600 • FACSIMILE: (202) 371-2540 • [www.skgf.com](http://www.skgf.com)

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ROBERT GREENE STERNE	STEVEN R. LUDWIG	JEFFREY R. KURIN	KRISTIN K. VIDOVICH	KAREN R. MARKOWICZ
EDWARD J. KESSLER	JOHN M. COVERT*	RAYMOND MILLIEN	KENDRICK P. PATTERSON	SUZANNE E. ZISKA**
JORGE A. GOLDSTEIN	LINDA E. ALCORN	PATRICK D. O'BRIEN	DONALD J. FEATHERSTONE	BRIAN J. DEL BUONO**
SAMUEL L. FOX	ROBERT C. MILLONIG	LAWRENCE B. BUGAISKY	GRANT E. REED	ANDREA J. KAMAGE**
DAVID K.S. CORNWELL	MICHAEL V. MESSINGER	CRYSTAL D. SAYLES	VINCENT L. CAPUANO	NANCY J. LEITH**
ROBERT W. EDMOND	JUDITH U. KIM	EDWARD W. YEE	JOHN A. HARROUN*	ELIZABETH J. HAANES**
TRACY-GENE G. DURKIN	TIMOTHY J. SHEA, JR.	ALBERT L. FERRO*	ALBERT J. FASULO III*	MARK P. TERRY**
MICHELE A. CIMBALA	DONALD R. MCPHAIL	DONALD R. BANOWIT	W. BRIAN EDGE*	TARJA H. NAUKKARINEN**
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ROBERT E. SOKOHL	STEPHEN G. WHITESIDE	MOLLY A. McCALL	W. RUSSELL SWINDELL	
ERIC K. STEFFE	JEFFREY T. HELVEY*	TERESA U. MEDLER	THOMAS C. FIALA	
MICHAEL O. LEE	HEIDI L. KRAUS	JEFFREY S. WEAVER		

KAREN R. MARKOWICZ	KAREN R. MARKOWICZ
SUZANNE E. ZISKA**	SUZANNE E. ZISKA**
BRIAN J. DEL BUONO**	BRIAN J. DEL BUONO**
ANDREA J. KAMAGE**	ANDREA J. KAMAGE**
NANCY J. LEITH**	NANCY J. LEITH**
ELIZABETH J. HAANES**	ELIZABETH J. HAANES**
MARK P. TERRY**	MARK P. TERRY**
TARJA H. NAUKKARINEN**	TARJA H. NAUKKARINEN**

\*BAR OTHER THAN D.C.  
\*\*REGISTERED PATENT AGENTS

January 26, 2001

WRITER'S DIRECT NUMBER:  
(202) 371-2630

INTERNET ADDRESS:  
[bchalker@skgf.com](mailto:bchalker@skgf.com)

Commissioner for Patents  
Washington, D.C. 20231

Box Patent Application

Re: U.S. Non-Provisional Utility Patent Application under 37 C.F.R. § 1.53(b)  
Appl. No. (to be assigned); filed (herewith)  
For: **Substituted Nicotinamides and Analogs as Activators of Caspases and  
Inducers of Apoptosis and the Use Thereof**  
Inventors: Cai *et al.*  
Our Ref: 1735.0440001/RWE/BEC

Sir:

The following documents are forwarded herewith for appropriate action by the U.S.  
Patent and Trademark Office:

1. Fee Transmittal (Form PTO/SB/17) (in duplicate);
2. Utility Patent Application Transmittal (Form PTO/SB/05);
3. U.S. Utility Patent Application entitled:

**Substituted Nicotinamides and Analogs as Activators of Caspases and  
Inducers of Apoptosis and the Use Thereof**

and naming as inventors:

Sui Xiong Cai  
John A. Drewe

Commissioner for Patents  
January 26, 2001  
Page 2

the application consisting of:

- a. A specification containing:
  - i. 61 pages of description prior to the claims;
  - ii. 17 pages of claims (claims 1-73); and
  - iii. 1 page abstract;
- b. Five (5) sheets of drawings (Figures 1A-1B; 2; 3A-3B; 4A-4B and 5); and
- c. An original executed Declaration;

4. Authorization To Treat A Reply As Incorporating An Extension Of Time Under 37 C.F.R. § 1.136(a)(3) (in duplicate);

5. Recordation Form Cover Sheet;

6. An original executed Assignment to Cytovia, Inc., recordation of which is hereby respectfully requested;

7. An original executed Power of Attorney from Assignee;

8. A Certificate under 37 C.F.R. § 3.73(b) from Assignee with a copy of the Assignment attached;

9. Two (2) return postcards; and

10. Our check No. 30178 for \$1,527.00 to cover:

\$ 355.00 Basic filing fee (37 C.F.R. § 1.16(a));  
160.00 Independent claims in excess of three (37 C.F.R. § 1.16(b));  
837.00 Claims in excess of twenty (37 C.F.R. § 1.16(c));  
135.00 Multiple dependent claim (37 C.F.R. § 1.16(d));  
40.00 Assignment recordation fee (37 C.F.R. § 1.21(h)).

Commissioner for Patents

January 26, 2001

Page 3

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

*Bruce E. Chalker*

Bruce E. Chalker  
Agent for Applicants  
Registration No. P-47,480

BEC/dab  
P:\USERS\DENISEB\1735\044\appcov  
Enclosures

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No.	1735.044001/RWE/BEC
First Inventor	Sui Xiong Cai et al.
Title	Substituted Nicotinamides and Analogs as Activators of Caspases and Inducers of Apoptosis and the Use Thereof
Express Mail Label No.	

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

**ADDRESS TO:**Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

- Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)
- Applicant claims small entity status.  
See 37 CFR 1.27.
- Specification [Total Pages 79]  
(preferred arrangement set forth below)
  - Descriptive title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- Drawing(s) (35 U.S.C. 113) [Total Sheets 5]
- Oath or Declaration [Total Pages 2]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 17 completed)
    - i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR §§ 1.63(d)(2) and 1.33(b).
- Application Data Sheet. See 37 CFR 1.76.

7.  CD-ROM or CD-R in duplicate, large table or Computer Appendix
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statements verifying identity of above copies

#### ACCOMPANYING APPLICATION PARTS

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(b) Statement  Power of Attorney (when there is an assignee)
11.  English Translation Document (if applicable)
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15.  Certified Copy of Priority Document(s) (if foreign priority is claimed)
16.  Request and Certification u under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: Authorization under 37 C.F.R. § 1.136(a)(3)

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-Part (CIP)  
Prior application information: Examiner \_\_\_\_\_ of prior application No: \_\_\_\_\_ / \_\_\_\_\_  
Group/Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**18. CORRESPONDENCE ADDRESS**

Customer Number or Bar Code Label  or  Correspondence address below

NAME	STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. <b>26111</b> Attorneys at Law PATENT TRADEMARK OFFICE				
ADDRESS	Suite 600, 1100 New York Avenue, N.W.				
CITY	Washington	STATE	DC	ZIP CODE	20005-3934
COUNTRY	USA	TELEPHONE	(202) 371-2600		FAX (202) 371-2540

NAME (Print/Type)	Bruce E. Chalker	Registration No. (Attorney/Agent)	P-47,480
SIGNATURE		Date	01/26/2001

Burden Hour Statement: this form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$1,527.00)

## Complete if Known

Application Number	(to be assigned)
Filing Date	(herewith)
First Named Inventor	Sui Xiong Cai et al.
Examiner Name	(to be assigned)
Group Art Unit	(to be assigned)
Attorney Docket No.	1735.0440001/RWE/BEC

## METHOD OF PAYMENT (check one)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number 19-0036  
Deposit Account Name Sterne, Kessler, Goldstein & Fox P.L.L.C.

Charge Any Additional Fee Required  
Under 37 CFR §§ 1.16 and 1.17

Applicant claims small entity status  
See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit card  Money Order  Other\*

\*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101	710	201 355 Utility filing fee	355
106	320	206 160 Design filing fee	
107	490	207 245 Plant filing fee	
108	710	208 355 Reissue filing fee	
114	150	214 75 Provisional filing fee	
<b>SUBTOTAL (1) (\$)</b>		<b>355.00</b>	

## 2. EXTRA CLAIM FEES

Extra	Fee from below	Fee Paid
Total Claims 113 - 20** = 93	X 9 = 837	
Indep. Claims 7 - 3** = 4	X 40 = 160	
Multiple Dependent	135 = 135	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103	18	203 9 Claims in excess of 20
102	80	202 40 Independent claims in excess of 3
104	270	204 135 Multiple dependent claim

108 80 209 40 \*Reissue independent claims over original patent  
110 18 210 9 \*Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$)** **1,132.00**

\*\* or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	481	40	Recording each patent assignment per property (times number of properties)	40
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify):

Other fee (specify):

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** **40.00**

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)	Bruce E. Chalker	Registration No. (Attorney/Agent)	P-47,480	Telephone	202-371-2600
Signature	Bruce E. Chalker			Date	01/26/2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

*Cai et al.*

Appl. No. (To be assigned)

Filed: (herewith)

For: **Substituted Nicotinamides and  
Analogues as Activators of Caspases  
and Inducers of Apoptosis and the  
Use Thereof**

Art Unit: (To be assigned)

Examiner: (To be assigned)

Atty. Docket: 1735.0440001/RWE/BEC

J1000 U.S. PRO  
09/769420  
01/26/01  


**Authorization To Treat A Reply As Incorporating An Extension Of Time  
Under 37 C.F.R. § 1.136(a)(3)**

Commissioner for Patents  
**Box Patent Application**  
Washington, D.C. 20231

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

*Bruce E. Chalker*

Bruce E. Chalker

Agent for Applicants

Registration No. P-47,480

Date: January 26, 2001

1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934  
(202) 371-2600